

Strategy – Temporary Impoundment of Offender’s Vehicle to Deter Repeated Violations

General Description

A recurring problem with Driving while License Revoked (DWLR) charges is the fact that simply removing a person’s privilege to drive does not ensure that an individual will not drive. As many revocations are the result of Driving While Impaired charges or an accumulation of points due to poor driving, it is especially important to ensure that revoked drivers do not operate vehicles on the roads of North Carolina.

When an offender is convicted of DWLR, the punishment is usually a suspended sentence and an additional period of revocation. The offender simply loses the privilege to drive for an additional year. When the offender is again charged and convicted of DWLR, the privilege to drive is revoked for another year...the cycle continues.

Nationally, approximately 20% of all drivers that are involved in a fatal collision are not properly licensed. In North Carolina, this number is close to 25%. Studies have shown that nearly $\frac{3}{4}$ of drivers who are suspended or revoked continue to drive (though they do appear to drive less frequently and more cautiously). These drivers are also more likely to have convictions for non-traffic offenses including violent offenses and drivers who are DWLR as a result of a DUI conviction typically exhibit even more deviant behavior. As an example of the magnitude of this problem, the Raleigh Police Department alone charges an average of over 500 people per month with DWLR. Obviously, people are not complying with either suspension orders from NC DMV or direct orders from a Judge not to drive.

Although license suspensions/revocations do serve a useful function, additional programs or policies are needed to control the behavior of those drivers who are willing to drive without a valid license.

The two keys to enforcing the DWLR charge are to 1) remove the opportunity for the offender to repeat the offense and 2) alter the punitive measures to increase compliance with the law. One strategy that addresses both these matters is a temporary (48-hour) impoundment of the vehicle being driven by an offender charged with DWLR.

There are additional side benefits to be realized with this strategy as well. Many drivers who are cited for DWLR have had their license revoked due to failure to appear (FTA) in court. This strategy will help reinforce the necessity for violators to make their court appearances to eliminate the FTAs charges, it will help to reinforce the seriousness of the DWLR violation with the known consequence and should increase drivers’ responsibility for their actions.

Technical Attributes

Target	The vehicle driven by the offender is the target of this strategy, but there are two other groups targeted by the impoundment action: Offenders who have their driving privilege revoked but violate the law by continuing to drive and non-offenders who lend their vehicles to unlicensed drivers.
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Expected Effectiveness	<p>This strategy has already been used in other states and has proven to be effective in reducing DWLR offenses. Success has been in the area of a 30% reduction of this offense, but has been as high as 100% for the period of the impoundment (48 hours in this strategy). By temporarily impounding vehicles, offenders will be physically unable to drive that vehicle for 48 hours. Non-offenders who lend their vehicles to offenders will also be deprived of a vehicle, which should reduce their willingness to lend their vehicle to an unlicensed driver in the future. If this strategy is implemented without exception, the number of DWLR offenders should be greatly reduced over time.</p>
Keys to Success	<ul style="list-style-type: none"> • New Legislation –Legislation will be required to allow impoundment of the offender’s vehicle and to establish maximum towing and storage fees. • Uniform Enforcement - All NC law enforcement agencies must ensure that this strategy is fully implemented. The impoundment must apply to the vehicle where the offender is DLWR. The vehicle should be automatically (administratively) impounded if an offender is charged with this violation and <i>not</i> just when the offender is arrested or as the result of a conviction. • Public Education - The public must be educated as to the new law, the reason for it and the consequences of noncompliance. • Buy in from Towing Companies - Towing companies should be made aware of the extra burden on them, but realize that this will generate extra revenue for them as well. • Cause and Effect – This strategy will be easy to understand and apply; drive while DWLR and lose use of the vehicle for 48 hours. • No Stranded Motorist – An offender whose vehicle is impounded for DWLR will not be left stranded. Law Enforcement must assist in getting the individual to a safe location. Most agencies already have policies in place for this. • Infrastructure Exists – Everything that is needed to put this in place, except the legal authority (legislation) currently exists.
Potential Difficulties	<ul style="list-style-type: none"> • Enforcement – Lack of enforcement or uniform enforcement is a concern. Without proper support by law enforcement, this strategy will not be effective. • Implementation Process – Implementation must be administrative and not judicial. • Vehicle Owners – Owners who are non-offenders, but allow an offender use of their vehicle, will likely claim that they did not know the offender was not licensed to drive and will likely feel that they should not have their vehicles impounded. • Set Fees – Legislation, with the assistance of the NC Towing Association, will need to establish maximum allowed towing and storage fees to ensure that towing companies do not overcharge. • Current Records – Failure to keep both driver and vehicle records current will compromise the enforcement efforts of this strategy. • No Towing Service – There are some counties within the state where there is no towing service available. For these counties, services from surrounding counties can be used.. This is presently being done by law enforcement for other situations that require a towing service and, therefore, should not be a substantial problem. • Vehicle Availability – When a vehicle is impounded, and the 48 hour hold time has expired, owners will likely want their vehicle immediately. If the towing service that has the vehicle does not have 24 hour, seven day a week availability, then the owner will have to wait until the next normal business day after the expiration of the 48 hour impoundment time to get the vehicle. • Vehicle Value – If the vehicle is considered a “junker,” the owner may not seek to reclaim the vehicle. In these cases, the towing and storage fees can rapidly exceed the vehicle value and this should be taken into consideration early on in the process. • Hardship Cases – Exceptions will likely have to be made for this as genuine hardship cases (e.g., military personnel on active duty) will exist. A process will need to be

in place for these exceptions.

Appropriate Measures and Data	The number of DWLR charges should be tracked to determine if this strategy is effective. Law enforcement agencies should also be required to report the number of vehicles impounded as a result of this statute. Collisions involving DWLR offenders pre- and post-strategy should be tracked.
Associated Needs	Vehicle impoundment must be mandatory (by legislation) and occur at the time of the offense. History has shown that the most effective methods of dealing with driving issues occur as an administrative function (i.e., an automatic revocation for refusing a breath test, seizing a vehicle of a DWI suspect who is DWLR for DWI). Towing companies already used by law enforcement agencies should handle impounding.
Organizational, Institutional, and Policy Issues	<p>A benefit of this method is that all law enforcement agencies already have the tools to impound vehicles; removing vehicles from roadways is a function performed everyday by practically every agency in the state. Law enforcement officials who charge an offender with DWLR should simply call the towing service they already work with, request the vehicle be towed, and order a 48 hour hold on the vehicle. The vehicle can only be retrieved after the towing and storage fees are paid. The 48-hour period should begin at the time of the offense as recorded on the citation.</p> <p>Exceptions to this requirement should be as follows: stolen vehicles (that have previously been reported and are entered into the system) should not be impounded, rental vehicles should not be impounded, vehicles that are required to be permanently seized because of other laws (DWI seizures, racing charges) should not be impounded, but rather should be seized according to these other laws.</p> <p>Support from towing companies is almost assured; they will have extra work, but they will be getting paid for it. Any vehicle not claimed within a certain period can be re-titled to the towing company and sold (this is standard procedure for towed vehicles).</p>
Issues Affecting Implementation Time	Legislative authority must be obtained. Law enforcement agencies may be required to develop a method for documenting the number of vehicles impounded, but should already have the tools in place for towing and storing vehicles.
Costs	Most of the cost will be borne by the offender/vehicle owner. The offender will pay towing and storage fees. Towing companies will have some cost for re-titling if impounded vehicles are not claimed. Law enforcement agencies may have some minimal costs for training and paperwork, but as mentioned before, agencies are already set up to handle these situations. The evaluation of the program and a public awareness campaign will also have associated costs.
Training	Minimal training will be needed for law enforcement personnel. Some training will be required for towing companies and should be supplemented by documentation about "how to handle DWLR impounded vehicles". Towing services will need to be informed as to the date and time a vehicle may be released. This may best be handled by tagging the vehicle with a sticker that notes the date and time the vehicle was impounded, the officer's name and contact information and the date and time the vehicle can be released.
Legislative Needs	Legislative authority must be obtained and this strategy must be an administrative procedure, not a function of the courts.